

## **UTT/13/1828/FUL (STANSTED)**

(Referred to Committee by Cllr Rich - Reason: Impact on residential amenity)

**PROPOSAL:**                **Erection of detached dwelling with associated garaging involving demolition of outbuilding.**

**LOCATION:**                **Land at The Yews, Bentfield Road, Stansted**

**APPLICANT:**            **Mr & Mrs Langer**

**AGENT:**                 **Andrew Stevenson Associates**

**EXPIRY DATE:**        **5 September 2013**

**CASE OFFICER:**       **Clive Theobald**

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### **1. NOTATION**

1.1 Within Development Limits.

### **2. DESCRIPTION OF SITE**

2.1 The application site lies on the eastern side of Bentfield Road to the immediate west of Hargrave House and comprises part of the rear landscaped garden of The Yews, a large, relatively modern detached four bedroomed dwelling with associated garaging set back from the road frontage. The site has a gentle fall from the front of the site to a small stream running along the site's rear boundary and is enclosed by mature hedging along its northern boundary. Residential properties of varying ages and styles line the frontage of Bentfield Road on the south side of the site, whilst a small new residential development has recently been constructed on a former industrial works to the immediate north. A detached property lies on the northern side of the site towards the rear boundary forming part of an adjoining residential estate (No.15 Loates Pasture).

### **3. PROPOSAL**

3.1 This proposal relates to the erection of a detached two storied four bedroomed dwelling with associated garaging within the grounds of The Yews involving the demolition of an existing outbuilding. The new dwelling would have a footprint of 148 sqm, a height to the eaves of 4.8 metres and a height to the ridge of 7.9 metres incorporating a hipped roof and would be externally clad in clay peg tiles, red garden bond brickwork and painted weatherboarding with brick plinth. The dwelling would have both front and rear gable projections at reduced two storey ridge height externally clad in slate and would have a full two storey height centrally positioned glazing feature to the principal elevation. The new dwelling would be served by a combined two bay garage/cart lodge block to be positioned at the front of the dwelling with shared vehicular access onto Benfield Road.

### **4. APPLICANT'S CASE**

4.1 The following is a summary of the applicant's submitted Design and Access Statement:

- The site is situated within a sustainable location within a defined settlement with good local services

- The proposed dwelling would be located centrally within the plot and would have a good spatial relationship between The Yews and the adjoining property [15 Loates Pasture], enabling the properties to sit comfortably together and afford a detailed design which would not create any material overlooking or overbearing effect
- The dwelling would have a consistent scale with adjacent properties and has been designed to respect traditional local vernacular building form using traditional spans and forms of enclosure
- The proposal would produce a compatible conventional layout maintaining the front elevation as the principal focal point
- No major changes in ground levels would take place to procure this development

## **5. RELEVANT SITE HISTORY**

- 5.1 Planning permission refused and appeal dismissed in 1982 for the erection of two detached dwellings on land west of Hargrave House for reasons of inappropriate backland development and effect on preserved trees. Two storey apartment building to accommodate 6 No. residential units refused in 1985 on the grounds that the development would result in the loss of a number of trees and the potential loss of others to the detriment of the attractive parkland character of the site and as the proposal would represent undesirable backland development likely to cause nuisance to existing residents through overlooking from the first floor apartments (UTT/1018/85). Appeal dismissed. In dismissing the 1985 appeal, the Inspector remarked that the development of the site for an apartment block would be inappropriate where he noted that *"The site is in a setting of generally small scale residential development of varying age and appearance...its sylvan appearance has an important effect on the streetscene....it affords a very welcome break in the otherwise built-up frontage and a pleasant extension of the parkland setting of Hargrave House behind"*.
- 5.2 Permission refused in January 2013 for the erection of two dwellings with combined garaging on the site on the grounds that the proposal would represent an inappropriate form of backland development where this would result in a cramped layout and built form on the site relative to adjacent dwellings (UTT/12/5883/OP). It was noted in the officer report for that application proposal that scope for one dwelling on the site could exist if the dwelling was appropriately designed and scaled. The application before Members currently for consideration (UTT/13/1828/FUL) follows on from this refusal of planning permission.

## **6. POLICIES**

### **6.1 National Policies**

- National Planning Policy Framework

### **6.2 Uttlesford District Local Plan 2005**

- ULP Policy S1 – Settlement Boundaries for the Main Urban Areas
- ULP Policy H1 – Housing Development
- ULP Policy H4 – Backland Development
- ULP Policy GEN1 – Access
- ULP Policy GEN2 – Design
- ULP Policy GEN7 – Nature Conservation
- ULP Policy GEN9 – Parking Standards
- ULP Policy ENV3 – Open Spaces and Trees

### **6.3 Uttlesford District DRAFT Local Plan**

- Policy SP1 – Development within Development Limits
- Policy DES1 – Design
- Policy HE5 – Traditional Open Spaces and Trees
- Policy TA1 – Vehicle Parking Standards

## **7. PARISH COUNCIL COMMENTS**

7.1 The Parish Council wishes to make no comments on this application.

## **8. CONSULTATIONS**

### **Thames Water**

8.1 There are public sewers crossing or close to the proposed development. Approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer in order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water to discuss the options available at this site.

8.2 Surface Water Drainage - It is recommended that the applicant ensures that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water will be required - Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

### **Affinity Water**

8.3 The proposed development site is located within an Environment Agency defined Groundwater Source Protection Zone (GPZ) corresponding to Stansted Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd. The construction works and operation of the proposed development site should be carried out in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

### **Access and Equalities Officer**

8.4 A review of the plans and the submitted Design and Access Statement shows that the application would comply with the requirements of the SPD on Accessible Homes and Playspace.

## **9. REPRESENTATIONS**

9.1 1 received. Notification period expired 2 August 2013.

- The submitted drawings appear to show that the new dwelling would be at least 40% larger than our own dwelling where this represents a more invasive dwelling scheme than the previous proposal, whilst the drawings give a misleading impression of unrealised space for the dwelling
- Such a large dwelling positioned directly south of our property with a ridge height of 8.2 metres would completely overshadow us where the ridge height of our dwelling is just 6.8 metres. Furthermore, we would lose valuable light and warmth in the winter months when the sun's trajectory is lower in the sky and also general loss of ambience
- Any first floor windows to the dwelling would overlook our property leading to a loss of privacy
- Does the proposed piled foundation system with sub-structure design mean that the overall height of the new dwelling would be increased further beyond 8.2 metres
- (Amended drawings: - comments remain the same).

## 10. APPRAISAL

The issues to consider in the determination of the application are:

- A Principle of development (NPPF and ULP Policies S1, H1 and H4)
- B Design and impact on residential amenity (ULP Policy GEN2 and SPDs "Energy Efficiency and Renewable Energy" and "Accessible Homes and Playspace")
- C Whether proposed access and parking arrangements would be satisfactory (ULP Policies GEN1 and GEN8)
- D Whether the development would be harmful to protected species (ULP Policy GEN7)
- E Impact on trees (ULP Policy ENV3)
- F Other matters: Drainage.

### A Principle of development (NPPF and ULP Policies S1, H1 and H4)

- 10.1 The application site is situated within development limits where ULP Policy S1 states that development will be permitted if it would be compatible with the character of the settlement. Bentfield Road is predominantly residential in nature where the newly completed development at the adjacent former industrial works contains dwellings designed in the local vernacular. The site has a pleasant landscaped character where it formerly comprised part of the extended grounds of Hargrave House and where this character was noted by the Planning Inspector in consideration of a previous appeal for the site (see above), albeit that some of the trees have since been removed following the lifting of a TPO previously registered for the land. The introduction of an additional dwelling at this location as proposed is therefore considered to be consistent with the general character and grain of the area and would comply in this respect with ULP Policy S1.
- 10.2 The proposal site does not have the benefit of a road frontage and ULP Policy H4 relating to backland development therefore also applies to the proposal. Policy H4 states that development will be permitted (i.e. a presumption in favour of development) if there is significant under-use of the land and development would make more effective use of it, that the proposal would not have an adverse impact on neighbouring residential amenity and that vehicular access would not cause disturbance to nearby properties.
- 10.3 The application site currently forms part of the domestic curtilage of The Yews, although the physical sub-division of this property arguably would make more effective use of it for local housing purposes. Sufficient space would exist to accommodate the dwelling on the proposal site where it is considered that the resultant development

would have an acceptable spatial relationship between the donor dwelling and the adjacent property on its northern flank, 15 Loates Pasture, where a separation distance of 4 metres would be maintained between the proposed dwelling and the northern flank boundary. It should be noted that the planning inspector for the refused 1985 application for a more intensified form of residential development at this site (see above) commented that it would be possible in his view to fit a single dwelling "*fairly inconspicuously into the setting*", where this view was also held by the Council at officer level in consideration of the applicant's 2012 application for two dwellings on the site refused earlier this year. It is therefore considered from this that the erection of one dwelling on this site as now proposed is acceptable in principle subject to design and other matters as discussed below.

**B Design and impact on residential amenity (ULP Policy GEN2 and SPDs "Energy Efficiency and Renewable Energy" and "Accessible Homes and Playspace")**

- 10.4 The new dwelling would incorporate a traditional design and appearance where this part of Bentfield Road incorporates a mixture of dwelling types and sizes. The dwelling would be compliant with Lifetime Homes criteria and would have a rear garden amenity area of approximately 200 sqm, which would meet and exceed Essex Design Guide minimum standards. It is therefore considered that the design of the dwelling as indicated would be acceptable at this residential location.
- 10.5 The dwelling would stand 0.9 of a metre lower than neighbouring land to the north (15 Loates Pasture) with resultant lower floor levels to this side where an existing 3.0-3.5 metre high evergreen Laurel hedge exists along the northern site boundary, whilst the dwelling would stand at approximately the same ground level as The Yews. The roof of the dwelling has been reduced in pitch by 5 degrees following amenity concerns raised where this has had the result of reducing the overall ridge height of the dwelling from 8.2 metres as originally shown to 7.9 metres where the combination of this and the use of a hipped roof reduces the extent which the development could have an overbearing effect on No.15 Loates Pasture when assessed against the northern side boundary. The dwelling incorporates a single first floor window on the north flank elevation, which would serve a bedroom en-suite and which would be obscure glazed, whilst a rooflight on this elevation would serve an additional en-suite.
- 10.6 The dwelling has two bedroom windows on its southern flank elevation facing onto the rear garden of The Yews, the donor dwelling, where overlooking and resultant loss of privacy of the private sitting-out area of this property would likely to occur. A revised drawing has since been received by the Council showing that these windows would be fitted with frosted glass and hinge restrictors ensuring that the degree of opening of these windows would not extend beyond 17 degrees and therefore serving to severely limit any overlooking of the rear garden from these windows to mitigate the Council's amenity concerns in this respect. It is considered that this amenity safeguard could be reasonably conditioned where the applicant's agent has stated that natural light into these two bedrooms of the proposed dwelling would not be unduly diminished given the existence of other windows into these rooms.
- 10.7 No design and amenity objections are therefore raised to the proposal where the applicant's agent has additionally submitted a sunlight/daylight representation drawing as requested by the Council showing how natural light to No.15 Loates Pasture would not be unduly diminished by the new dwelling.

**C Whether proposed access and parking arrangements would be satisfactory (ULP Policies GEN1 and GEN8)**

10.8 The proposed dwelling would be served by a shared access drive with The Yews and would have a two bay garage/cart lodge positioned at the front end of the site where two additional parking spaces are also shown immediately to the front of the dwelling. Parking provision would therefore be compliant with current parking standards for the size of the dwelling. The additional spaces shown would be laid out at right angles to the dwelling where there would be sufficient space for vehicles to be manoeuvred and driven out of the site in forward gear. ECC Highways have not been consulted on the current proposal, although did not raise any highway objections to the previously submitted two dwelling scheme for this site when it considered that visibility splays at point of vehicular access onto Bentfield Road are good in each direction providing that entrance and private drive improvements are carried out. No highway objections are therefore raised to the current proposal on this basis.

**D Whether the development would be harmful to bio-diversity/protected species (ULP Policy GEN7)**

10.9 The site forms part of a regularly maintained domestic rear garden where it is considered that the site has limited bio-diversity value based upon Natural England Standing Advice and where a pond situated within the rear garden that may have possibly previously served as a habitat for reptiles (not confirmed) has been dry for several years. It is considered from this that the proposal would not have an adverse effect on bio-diversity/protected species at the site where it would be possible to impose a bird nesting condition on any permission granted given the existence of perimeter hedges within close proximity of the proposed dwelling.

**E Impact on trees (ULP Policy ENV3)**

10.10 It is stated that existing individual mature tree specimens on the site would be maintained as part of the proposed development. Notwithstanding this, it is considered that it would be necessary to impose a tree protection condition on any permission granted for the proposal to protect the root system for these trees where they contribute to the attractive setting of the site, albeit that some of the trees have previously been removed. The landscaping officer has not raised any objections to the proposal and no objections are raised in this respect.

**F Other matters - Drainage**

10.11 It is noted that a public sewer exists within the site where this runs parallel with the site's northern boundary leading down from Bentfield Road to the bottom of the site. Whilst the consultation comments from Thames Water regarding the proposed development are noted (see above), it is ultimately a matter that rests between the applicant and Thames Water to resolve as to whether the development would compromise this sewer run, although the applicant has stated that it is in consultation with Thames Water concerning this matter where it is additionally stated that the principle of agreement is in place where a piled foundation system is being adopted to mitigate against any risk to the sewer.

**11. CONCLUSION**

11.1 The following is a summary of the main reasons for the recommendation:

- A The proposal is considered acceptable in principle at this residential backland location within development limits;

- B The design, siting and scale of the proposed dwelling would be acceptable where the development would not cause significant loss of neighbouring residential amenity subject to appropriate safeguarding conditions;
- C The proposal would be acceptable in terms of highway safety, parking, bio-diversity and tree protection subject to conditions.

## **RECOMMENDATION – CONDITIONAL APPROVAL**

### Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Prior to commencement of development samples of materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with ULP Policies GEN2 and ENV1 of the Uttlesford Local Plan (adopted 2005).

3. Before development commences full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-

- a) means of enclosure along all site boundaries
- b) hard surfacing, other hard landscape features and materials
- c) existing trees, hedges or other soft features to be retained
- d) planting plans, including specifications of species, sizes, planting centres, number and percentage mix
- e) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- f) details of siting and timing of all construction activities to avoid harm to all nature conservation features
- g) location of service runs
- h) management and maintenance details

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

4. The erection of fencing for the protection of those trees identified to be retained on the site shall be undertaken in accordance with details approved in writing by the local planning authority before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be

stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON: In the interests of tree protection and visual amenity in accordance with ULP Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

5. Before development commences, details of the location and design of the refuse bin and recycling materials storage areas and collection points shall be submitted to and approved by the local planning authority. This should include provision for the storage of three standard sized wheeled bins for each new property with a collection point no further than 25 metres from the public highway. Where the refuse collection vehicle is required to go onto any road that road shall be constructed to take a load of 26 tonnes. The refuse storage and collection facilities and vehicular access where required shall be provided prior to the first occupation of the units to which they relate and shall be retained in the approved form thereafter.

REASON: To meet the District Council requirements for recycling, to prevent the unsightly storage of refuse containers and in the interests of amenity and sustainability in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

6. The proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of the footway and provided with an appropriate dropped kerb crossing of the footway if not already provided at the site.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway in the interests of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

7. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

8. The windows to the first floor bedrooms shown for the south-east flank elevation of the dwelling hereby permitted shall be obscure glazed and fixed with hinge restrictors restricting opening of these windows to no more than 17 degrees as shown on revised drawing 4649 06B "Proposed Side Elevations".

REASON: In the interests of the protection of residential amenity in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

9. The development hereby permitted shall incorporate all measures set out in the accessibility statement / drawing which accompanied the application.

REASON: To ensure that the premises can be readily used by people with physical disabilities in accordance with national and local planning policies in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A to F of Part 1 of Schedule 2



and Class A of Part 2 of Schedule 2 of the Order (i.e. any extension, outbuilding or enclosure) shall take place without the prior written permission of the local planning authority.

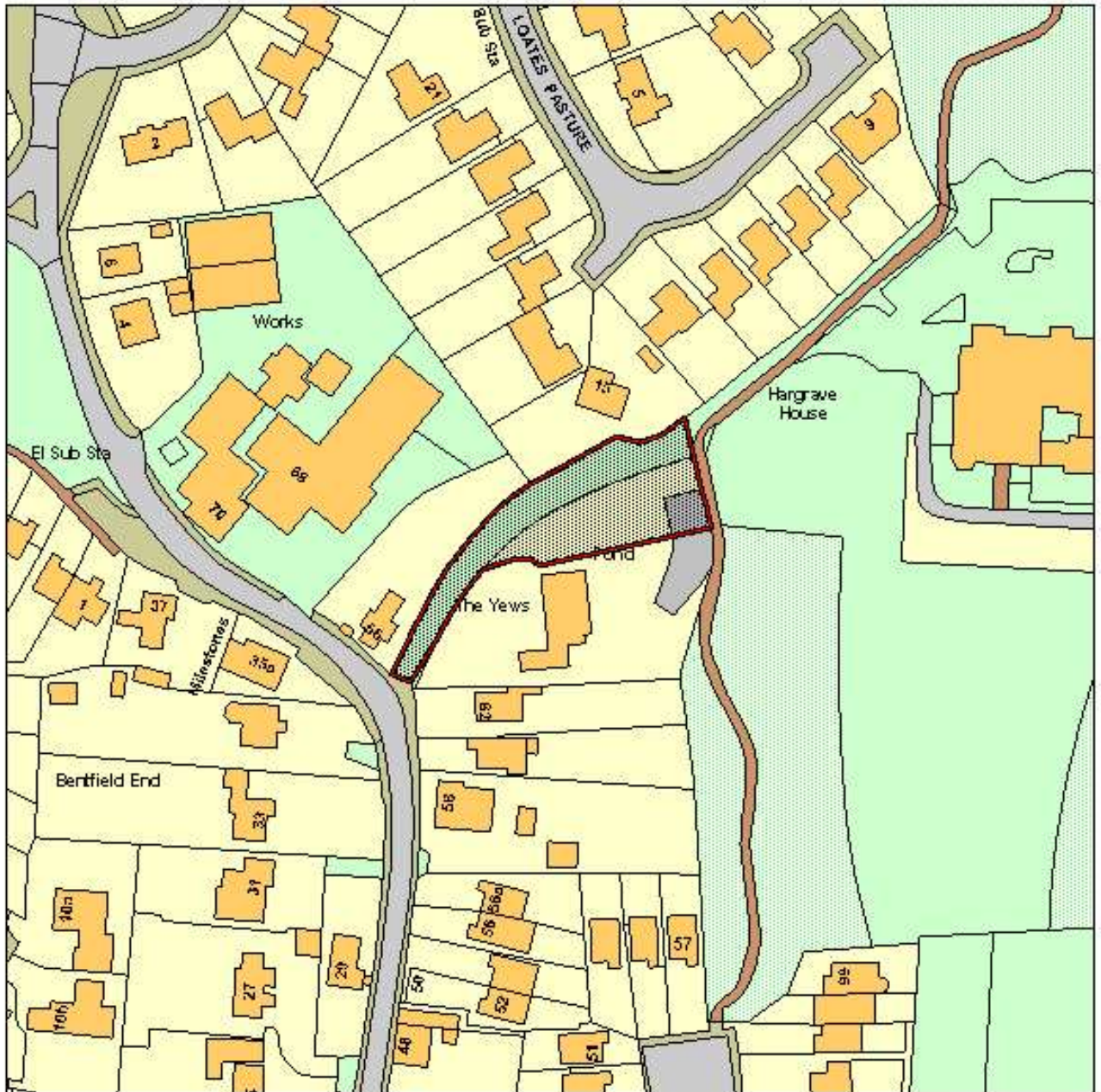
REASON: To prevent the site becoming overdeveloped and in the interests of the amenity of the occupiers of adjoining dwellings in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

11. No construction or site clearance shall be carried out on site between the 1st March and 31st August inclusive in any year, unless otherwise approved in writing by the Local Planning Authority. If such permission is given for scrub or tree removal between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive, a detailed hand-search of the affected area must be carried out by a suitably qualified ecologist at least 48 hours prior to work commencing. If any nests are found, a 10m buffer zone must be established around each nest and works must be halted in this zone until all chicks have fledged.

REASON: All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 in accordance with ULP Policy GEN7 of the Uttlesford District Council (adopted 2005).

# UTT/13/1828/FUL

## Land at The Yews Bentfield Road Stansted



Scale: 1:1250

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<b>Organisation</b>	Uttlesford District Council
<b>Department</b>	Planning and Building Control
<b>Comments</b>	
<b>Date</b>	16 September 2013
<b>SLA Number</b>	Not Set